

Clean Water Act §303(d): Availability of List Decisions

AGENCY: Environmental Protection Agency

ACTION: Notice of Availability

SUMMARY: This notice announces the availability of EPA decisions identifying water quality limited segments and associated pollutants in Arizona and Nevada to be listed pursuant to Clean Water Act Section 303(d)(2), and requests public comment. Section 303(d)(2) requires that states submit and EPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On December 5, 2002, EPA partially approved and partially disapproved Arizona's submittal. Specifically, EPA approved Arizona's listing of 32 waters, associated pollutants, and associated priority rankings. EPA disapproved Arizona's decisions not to list 19 water quality limited segments and associated pollutants, and additional pollutants for 3 water bodies already listed by the State. EPA identified these additional water bodies and pollutants along with priority rankings for inclusion on the 2002 Section 303(d) list.

On November 20, 2002, EPA partially approved and partially disapproved Nevada's submittal. Specifically, EPA approved Nevada's listing of 84 waters, associated pollutants, and associated priority rankings. EPA disapproved Nevada's decisions not to list 15 water quality limited segments and associated pollutants, and additional pollutants for 38 water bodies already listed by the State. EPA identified these additional water bodies and pollutants along with priority rankings for inclusion on the 2002 Section 303(d) list.

EPA is providing the public the opportunity to review its decisions to add waters and pollutants to Arizona and Nevada's 2002 Section 303(d) lists, as required by EPA's Public Participation regulations [40 CFR 25]. EPA will consider public comments in reaching its final decisions on the additional water bodies and pollutants identified for inclusion on Arizona and Nevada's final lists.

DATES: Comments must be submitted to EPA on or before January 13, 2003.

ADDRESSES: Comments on the proposed decisions should be sent to David Smith, TMDL Team Leader, Water Division, U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105, telephone (415) 972-3416, facsimile (415) 947-3537, email smith.davidw@epa.gov. Oral comments will not be considered. Copies of the proposed decisions concerning Arizona and Nevada which explain the rationale for EPA's decisions can be obtained at EPA Region 9's web site at www.epa.gov/region09/water/TMDL by writing or calling Mr. Smith at the above address. Underlying documentation comprising the record for these decisions are available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: David Smith at (415) 972-3416 or smith.davidw@epa.gov.

SUPPLEMENTARY INFORMATION: Section 303(d) of the Clean Water Act (CWA) requires that each state identify those waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards. For those waters, states are required to establish TMDLs according to a priority ranking.

EPA's Water Quality Planning and Management regulations include requirements related to the implementation of Section 303(d) of the CWA [40 CFR 130.7]. The regulations require states to identify water quality limited waters still requiring TMDLs every two years. The lists of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years [40 CFR 130.7]. On March 31, 2000, EPA promulgated a revision to this regulation that waived the requirement for states to submit Section 303(d) lists in 2000 except in cases where a court order, consent decree, or settlement agreement required EPA to take action on a list in 2000 [65 FR 17170].

Consistent with EPA's regulations, Arizona submitted to EPA its listing decisions under Section 303(d)(2) on October 17, 2002. On December 5, 2002, EPA approved Arizona's listing of 32 waters and associated priority rankings. EPA disapproved Arizona's decisions not to list 19 water quality limited segments and associated pollutants, and additional pollutants for 3 water bodies already listed by the State. EPA identified these additional waters and pollutants along with priority rankings for inclusion on the 2002 Section 303(d) list. EPA solicits public comment on its identification of 19 additional waters and associated pollutants, and additional pollutants for 3 waters already listed by the State, for inclusion on Arizona's 2002 Section 303(d) list.

Consistent with EPA's regulations, Nevada submitted to EPA its listing decisions under Section 303(d)(2) on October 1, 2002. On November 20, 2002, EPA approved Nevada's listing of 84 waters and associated priority rankings. EPA disapproved Nevada's decisions not to list 15 water quality limited segments and associated pollutants, and additional pollutants for 38 water bodies already listed by the State. EPA identified these additional waters and pollutants along with priority rankings for inclusion on the 2002 Section 303(d) list. EPA solicits public comment on its identification of 15 additional waters and associated pollutants, and additional pollutants for 38 waters already listed by the State, for inclusion on Nevada's 2002 Section 303(d) list.

Dated: November 27, 2002

/signed by/

Catherine Kuhlman

Acting Director, Water Division

EPA Region IX